

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALEJANDRO MORALES,
*on behalf of himself and those similarly
situated,*

Plaintiff,

vs.

HEALTHCARE REVENUE RECOVERY
GROUP, LLC, and JOHN DOES 1 to 10,

Defendants.

Case No. 2:15-cv-08401-ES-JBC

DECLARATION OF COUNSEL

PHILIP D. STERN, of full age, hereby declares and states:

1. I am an attorney at law of the State of New Jersey and am Of Counsel to the Kim Law Firm LLC which represents Plaintiff Alejandro Morales.

2. As such, I have personal knowledge of the facts stated herein.

3. I make this declaration in support of Plaintiff's opposition to Defendant's Motion for Summary Judgment.

4. I specifically make this Declaration to identify and provide to the Court two documents which Plaintiff asks the Court to judicially notice.

5. As the Court is aware, this action was previously before the U.S. Court of Appeals for the Third Circuit. There, the Third Circuit concluded that Plaintiff has standing under Article III of the U.S. Constitution.

6. My understanding of Defendant's Brief in support of the instant motion is that Defendant contends that this Court can consider Plaintiff's standing anew because, according to

Defendant, the Third Circuit never considered the Supreme Court's decision in *TransUnion v. Ramirez*, a decision which Defendant contends to have changed the law on standing.

7. Omitted from Defendant's Brief are the facts evidence by Defendant's Petition for rehearing in which is argued that the Third Circuit had failed to consider *Ramirez*. I believe those facts are shown in Defendant's Brief filed in the Third Circuit in support of its Petition. That Brief was filed as Document 55-1 in Case 20-1827 in the Third Circuit. A copy of that Brief is attached as Exhibit A.

8. Exhibit B is a copy of Document 59 filed in Case 20-1827 in the Third Circuit which is the Order denying Defendant's Petition for rehearing.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

s/Philip D. Stern
Philip D. Stern

Dated: December 7, 2022